



General Assembly

**Substitute Bill No. 401**

February Session, 2004

\* SB00401GL 030904 \*

**AN ACT CONCERNING ELECTRONIC TRANSMISSION OF  
PRESCRIPTIONS BETWEEN PRESCRIBERS AND LICENSED  
PHARMACIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-614 of the general statutes is amended by  
2 adding subsection (d) as follows (*Effective October 1, 2004*):

3 (NEW) (d) (1) As used in this subsection, "electronic data  
4 intermediary" means an entity that provides the infrastructure that  
5 connects the computer systems or other electronic devices utilized by  
6 prescribing practitioners with those used by pharmacies in order to  
7 facilitate the secure transmission of electronic prescription orders, refill  
8 authorization requests, communications and other patient care  
9 information between such entities.

10 (2) An electronic data intermediary may transfer electronically  
11 transmitted data between a prescribing practitioner licensed and  
12 authorized to prescribe and a pharmacy of the patient's choice,  
13 licensed pursuant to chapter 400j or licensed under the laws of any  
14 other state or territory of the United States. Electronic data  
15 intermediaries shall not alter the transmitted data except as necessary  
16 for technical processing purposes. Electronic data intermediaries may  
17 archive copies of only that electronic data related to such transmissions  
18 necessary to provide for proper auditing and security of such  
19 transmissions. Such data shall only be maintained for the period

20 necessary for auditing purposes. Electronic data intermediaries shall  
21 maintain patient privacy and confidentiality of all archived  
22 information as required by state and federal law.

23 (3) No electronic data intermediary shall operate without the  
24 approval of the Commissioner of Agriculture and Consumer  
25 Protection. An electronic data intermediary seeking approval shall  
26 apply to the Commission of Pharmacy in the manner prescribed by the  
27 commissioner. The commissioner, with the advice and assistance of the  
28 commission, shall adopt regulations, in accordance with the provisions  
29 of chapter 54 of the general statutes, to establish criteria for the  
30 approval of electronic data intermediaries, including requirements for  
31 (A) the procedures to be used for the transmission and retention of  
32 prescription data by an intermediary and (B) mechanisms to be used  
33 by an intermediary to safeguard the confidentiality of such data.

34 Sec. 2. Section 21a-249 of the general statutes, as amended by section  
35 146 of public act 03-6 of the June 30 special session, is amended by  
36 adding subsection (m) as follows (*Effective October 1, 2004*):

37 (NEW) (m) (1) As used in this subsection, "electronic data  
38 intermediary" means an entity that provides the infrastructure that  
39 connects the computer systems or other electronic devices utilized by  
40 prescribing practitioners with those used by pharmacies in order to  
41 facilitate the secure transmission of electronic prescription orders, refill  
42 authorization requests, communications and other patient care  
43 information between such entities.

44 (2) An electronic data intermediary may transfer electronically  
45 transmitted data between a prescribing practitioner licensed and  
46 authorized to prescribe and a pharmacy of the patient's choice,  
47 licensed pursuant to chapter 400j or licensed under the laws of any  
48 other state or territory of the United States. Electronic data  
49 intermediaries shall not alter the transmitted data except as necessary  
50 for technical processing purposes. Electronic data intermediaries may  
51 archive copies of only that electronic data related to such transmissions

52 necessary to provide for proper auditing and security of such  
 53 transmissions. Such data shall only be maintained for the period  
 54 necessary for auditing purposes. Electronic data intermediaries shall  
 55 maintain patient privacy and confidentiality of all archived  
 56 information as required by state and federal law.

57 (3) No electronic data intermediary shall operate without the  
 58 approval of the Commissioner of Agriculture and Consumer  
 59 Protection. An electronic data intermediary seeking such approval  
 60 shall apply to the Commission of Pharmacy in the manner prescribed  
 61 by the commissioner. The commissioner, with the advice and  
 62 assistance of the commission, shall adopt regulations, in accordance  
 63 with the provisions of chapter 54 of the general statutes, to establish  
 64 criteria for the approval of electronic data intermediaries, including  
 65 requirements for (A) the procedures to be used for the transmission  
 66 and retention of prescription data by an intermediary and (B)  
 67 mechanisms to be used by an intermediary to safeguard the  
 68 confidentiality of such data.

69 Sec. 3. Section 20-612 of the general statutes is repealed and the  
 70 following is substituted in lieu thereof (*Effective October 1, 2004*):

71 [Only] Subject to the provisions of subsection (d) of section 20-614,  
 72 as amended by this act, and subsection (m) of section 21a-249, as  
 73 amended by this act, only a pharmacy shall accept a prescription for  
 74 dispensing. No employee, personnel or owner of a place of business or  
 75 establishment not licensed as a pharmacy may accept a prescription for  
 76 transfer to or for collection for a pharmacy.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>

**GL**            *Joint Favorable Subst.*